

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

	:	Chapter 11 Case
In re	:	No. 09-13764 (JMP)
	:	
EXTENDED STAY INC., <u>et al.</u> ,	:	(Jointly Administered)
	:	
Debtors.	:	
	:	
	:	
BANK OF AMERICA, N.A., WACHOVIA	:	
BANK, N.A., MERRILL LYNCH	:	
MORTGAGE LENDING, INC., U.S. BANK	:	Adversary Proceeding
NATIONAL ASSOCIATION, as TRUSTEE	:	No. 09-01353 (JMP)
FOR MAIDEN LANE COMMERCIAL	:	
MORTGAGE BACKED SECURITIES	:	
TRUST 2008-1, DEBT II ESH, L.P.,	:	
DEBT-U ESH, L.P. and KEYBANK	:	
NATIONAL ASSOCIATION,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
LIGHTSTONE HOLDINGS, LLC and	:	
DAVID LICHTENSTEIN,	:	
	:	
Defendants.	:	

**ORDER REMANDING ADVERSARY PROCEEDING**

Defendants having removed this adversary proceeding to the United States District Court for the Southern District of New York, and this adversary proceeding having been transferred to this Court, and plaintiffs having moved to remand this adversary proceeding to the Supreme Court for the State of New York, New York County, and argument having been heard on September 10, 2009, and this Court having given good and fair consideration to all the papers and proceedings herein, and based on the reasons set forth on the record at the hearing on

September 22, 2009 and in the Memorandum Decision dated October 7, 2009, and for good cause showing; it is hereby

**ORDERED**, that plaintiffs' motion to remand is granted; and it is further

**ORDERED**, that this adversary proceeding be and is hereby remanded to the Supreme Court of the State of New York, New York County.

Dated: New York, New York  
October 7, 2009

*s/ James M. Peck*  
HONORABLE JAMES M. PECK  
UNITED STATES BANKRUPTCY JUDGE